

UNITED STATES DISTRICT COURT  
for the

## Western District of North Carolina

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Criminal History Category: I      Criminal History Category: I

Previous Guideline Range:      months      to      life      months      Amended Guideline Range:      months      to      life      months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

- Other (explain): The application of Amendment 706 results in no change to the Base or Total Offense Levels or the advisory guideline range since the applicable amount of cocaine base in this case exceeds 4.5 kilograms.

### III ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated September 5, 2007 shall remain in effect.

## IT IS SO ORDERED.

Order Date: September 18, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

Graham C. Thacker

Graham C. Mullen  
United States District Judge

